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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Petition for Rulemaking of the Wireless )

Ethernet Compatibility Alliance To )

Permit Unlicensed National Information )

Infrastructure Devices To Operate in the )

5.470-5.725 GHz Band )

RM-10371

COMMENTS

The Wireless Communications Association International, Inc., by its counsel and pursuant to Section 1.405(a) of the Commission's Rules, hereby submits its comments in support of the above-captioned Petition for Rulemaking filed by the Wireless Ethernet Compatibility Alliance ("WECA") to allocate the 5.470-5.725 GHz band for use by Unlicensed National Information Infrastructure ("U-NII") devices.

WCA is the trade association of the wireless broadband industry. Its members include entities that provide or support the provision of wireless communications services using licensed and license-exempt spectrum, including license-exempt providers of broadband services in the 2.4 GHz and 5 GHz bands. Accordingly, WCA has a direct and immediate interest in the WECA proposal to allocate additional spectrum for license-exempt providers at 5 GHz.

For the reasons set forth in the WECA petition, WCA believes that the allocation of the 5.470-5.725 GHz band for U-NII use will promote more rapid deployment of new and competitive Broadband Wireless Access ("BWA") services and, subject to the caveats set forth below, should be formally adopted via a *Notice of Proposed Rulemaking*. Clearly, the allocation of additional license-exempt spectrum at 5 GHz will facilitate higher system capacities and data

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rates, and thus will promote the development of fixed or nomadic metropolitan area networking applications. The ultimate beneficiary of the WECA proposal will be the consumer, who will enjoy the lower prices and improved services that invariably result from a fully competitive market for broadband service.

By the same token, WCA believes that any *Notice of Proposed Rulemaking* issued for the WECA proposal must incorporate certain regulatory and technical concepts if license-exempt providers and their customers are to realize the greatest possible benefit from the proposed spectrum allocation. In particular, WCA recommends that the existing U-NII rules for the 5.725-5.825 GHz band be applied to license-exempt usage of the 5.470-5.725 GHz band. This approach would permit license-exempt operators to utilize transmitter powers of up to 1 watt for fixed and nomadic outdoor applications and thus would harmonize the Commission's rules for the 5.470-5.725 GHz band with those in Europe.<sup>1</sup> Application of the 5.75-5.85 GHz rules would also permit the use of higher gain antennas for point-to-point applications.

Furthermore, the Commission must account for the fact that the 5.470-5.725 GHz band is already allocated on a primary basis for radiolocation systems, including commercial and military radars.<sup>2</sup> WCA understands that coexistence with these primary users is of paramount importance and that future license-exempt BWA devices (both indoor and outdoor) operating in the 5.470-5.725 GHz band should incorporate techniques to minimize potential interference. By way of example, Dynamic Frequency Selection ("DFS") is being considered for inclusion into

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<sup>1</sup> See WECA Petition at 9-10. It should be noted that the IEEE 802 LAN/MAN Standards Committee is developing a standard, 802.16a, for Metropolitan Area Networking equipment operating in frequencies from 2 to 11 GHz. This standard includes specifications for systems that operate in both licensed and license-exempt bands, and includes provisions for coexistence in the license-exempt bands that will assure that any interference between systems is minimized. Accordingly, WCA believes that operation of 1 watt transmitters in an outdoor environment is feasible for the 5.470-5.725 GHz band,

<sup>2</sup> 47 C.F.R. § 2.106.

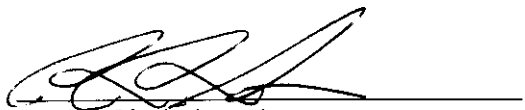
newly developed BWA standards by the IEEE 802 Committee (in the United States) and ETSI-BRAN (in Europe). DFS is also being discussed at the ITU-R 8a/9b meetings as part of a global 5 GHz harmonization effort. WCA believes that acceptance of DFS and its incorporation into BWA devices operating in the 5.470-5.725 GHz band will facilitate coexistence among all users of this spectrum, allowing it to be shared efficiently for the benefit of the public.

WHEREFORE, WCA supports the above-captioned Petition for Rulemaking filed by the Wireless Ethernet Compatibility Alliance, in accordance with the comments set forth above.

Respectfully submitted,

THE WIRELESS COMMUNICATIONS  
ASSOCIATION INTERNATIONAL, INC.

By:



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